IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 10034 of 2004(T)

PETITIONER:

DR. V.V. KUNHIKRISHNAN,
S/O. T.V. RAMAN NAIR, PRINCIPAL SELECTION
GRADE (RETIRED), `AISWARYA' THAYINERI ROAD,
P.O. POYYANNUR, KANNUR DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

2. UNIVERSITY GRANTS COMMISSION
REPRESENTED BY ITS SECRETARY, BAHADUR SHAH
ZAFAR MARG, NEW DELHI.

3. THE ACCOUNTANT GENERAL (A & E),
THIRUVANANTHAPURAM.

4. THE DIRECTOR OF COLLEGIATE EDUCATION
VIKAS BHAVAN, TRIVANDRUM.

BY ADV. SMT.GIRIJA.L., ADDL.CGSC
GOVERNMENT PLEADER SMT. M.R. SREELATHA
SRI. S. KRISHNAMOORTHY, SC FOR UGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 10034/04

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1.	COPY OF THE NOTIFICATION NO.EB.II-1/Ph.D DT. 4.3.87 OF THE UNIVERSITY OF CALICUT AWARDING DOCTOR OF PHILOSOPHY TO THE PETITIONER
EXT.P2.	COPY OF THE DEGREE CERTIFICATE ISSUED BY THE UNIVERSITY OF CALICUT AWARDING DOCTOR OF PHILOSOHY DT. 27.9.88
EXT.P3.	COPY OF THE ORDER NO. UGC.CELL.III -2/77561/95/COLL. Edn. DT. 11.12.95.
EXT.P4.	COPY OF THE JUDGMENT DT. 20.6.03
EXT.P5.	COPY OF THE GOVT. ORDER NO. G.O. (MS) 66/90/H.Edn DT. 13.3.90
EXT.P6.	COPY OF THE RELEVANT EXTRACT OF THE G.O.(P) 171/99/H.Edn DT. 21.12.99 BY REFERRING TO CLAUSE 6.18 AND 6.19
EXT.P7.	COPY OF THE PETITIONER'S REPRESENTATION DT. 22.11.03
EXT.P8.	COPY OF THE ORDER NO. UGC.CELL 3(1) 50163/03 DT. 7.2.04
EXT.P9.	COPY OF JUDGMENT DT. 13.9.04 IN WPC NO. 26754/04 OF THE HON'BLE HIGH COURT OF KERALA
EXT.P10.	COPY OF G.O. (MS) NO.93/01/H.Edn. DT. 4.8.01 PROMOTING ME AS PRINCIPAL OF COLLEGE AT KASARGOD
EXT.P11.	COPY OF PAY SLIP DT. 21.3.00
EXT.P12.	U.G.C.'s ORDER NO.E1-22/97/UI DT. 27.7.98
EXT.P13.	COPY OF ORDER NO.F5-3/01 (PS) DT. 31.8.01 ISSUED BY THE 2ND RESPONDENT
EXT.P14.	COPY OF THE JUDGMENT DT. 20.12.05 IN OP NO.36112/02, APPEARED IN ONE OF THE SERVICE JOURNALS
EXT.P15.	COPY OF GOVT. ORDER G.O.(MS) NO. 148/2006/H.Edn DT. 13.11. 06

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 10034 OF 2004

Dated this the 23rd day of July, 2007

J U D G M E N T

Petitioner, is a retired Deputy Director of Collegiate Education. He prays for a direction to the respondents to grant him the benefit of two advance increments with effect from January 1, 1996 since according to him he had acquired Ph.D prior to the above date. But in Ext.P8 order , the Director of Collegiate Education rejected the above claim made by the petitioner.

2. While impugning Ext.P8 order, it is contended by the learned counsel that the issue is squarely covered in favour of the petitioner in view of the judgment of a Division Bench of this Court in W. A. No. 1044/05. Ext.P15 order issued by the Government also makes it abundantly clear that the petitioner is entitled to get the above benefit from July 27, 1998 though not from January 1, 1996, as claimed by the petitioner.

3. Learned Government Pleader submits that the appeal preferred by the State against the judgment of the Division Bench is pending before the Supreme Court. Anyhow, the Government is prepared to grant the benefit to the petitioner as ordered in Ext.P15.

The above statement is recorded.

4. Therefore the writ petition is disposed of with a direction to respondent No.4 to issue consequential orders granting the benefit of two advance increments to the petitioner with effect from July 27, 1998, if there is no other legal impediment, as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment.

However, it is made clear that I have not considered the merit of the claim made by the petitioner that he is entitled to get the above benefit with effect from January 1, 1996.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007